

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-094119

05/09/2011

HON. M. JEAN HOAG

CLERK OF THE COURT
A. Kirkendall
Deputy

IN RE THE MARRIAGE OF
ADDELEE MARIA HARRIS-WAITES

TERRY BAYS SMITH

AND

MARQUEL DUSHAWN WAITES

JEFFREY C MCCOMBS

CONCILIATION SERVICES-SE

**TRIAL SET
MEDIATION SET
TEMPORARY ORDERS HEARING SET**

Courtroom 302 – SEA

9:15 a.m. This is the time set for Resolution Management Conference re: *Petition for Dissolution of a Non-Covenant Marriage With Children* filed September 28, 2010. Petitioner/Mother, Addelee Maria Harris-Waites (hereafter referred to as “Mother”) is present with counsel, Terry Bays Smith. Respondent/Father, Marquel Dushawn Waites (hereafter referred to as “Father”) is telephonically present with counsel, Jeffrey C. McCombs, who is present in the courtroom.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court.

Pursuant to the agreement of the parties,

IT IS ORDERED that on a temporary basis, Mother shall remain the primary residential parent.

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9:20 a.m. The Court stands at recess for Father and counsel to confer off the record.

9:28 a.m. Court resumes with respective counsel and the parties present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion continues with the Court.

MEDIATION

IT IS ORDERED the parties are referred to Conciliation Services for Mediation of child custody and/or parenting-time issues, as appropriate. The parties shall comply with all instructions and directives issued by Conciliation Services.

IT IS FURTHER ORDERED that each party is directed to immediately go to Conciliation Services and complete necessary forms following this hearing. This Court has contacted Conciliation Services and set the Mediation for **May 16, 2011 at 1:30 p.m.** in Conciliation Services.

IT IS FURTHER ORDERED that Father shall be allowed to appear telephonically at the aforementioned Mediation. Father shall contact Conciliation Services at **(602) 506-2300** five (5) minutes prior to the scheduled Mediation.

LET THE RECORD REFLECT that this Court cannot guarantee the quality of the reception and whether a person can hear or be heard during a telephonic appearance if requested and granted. If there is difficulty with the telephonic appearance the above-set Temporary Orders Hearing will NOT be reset. Please be sure that any telephonic appearance **MUST** be from a land line, not a cell phone, and not on speaker phone.

WARNING

YOU WILL HAVE TO PAY A \$200 FEE IF YOU DO NOT ATTEND THE MEDIATION SESSION. IF YOU CANNOT ATTEND, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AND RECEIVE PERMISSION TO RESCHEDULE AT LEAST THREE FULL COURT DAYS BEFORE THE SESSION.

IF YOU REACH A FULL AGREEMENT ABOUT CUSTODY AND PARENTING TIME AND DO NOT PLAN TO COME TO THE MEDIATION SESSION, BOTH PARTIES MUST NOTIFY CONCILIATION SERVICES AS SOON AS POSSIBLE OF THE SETTLEMENT TO AVOID PAYING THIS FEE.

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TEMPORARY ORDERS HEARING

IT IS ORDERED setting Temporary Orders Hearing on **July 18, 2011 at 3:00 p.m.** (Time allotted: 45 minutes) in this Division at the Southeast Judicial District, 222 East Javelina Avenue, Courtroom 302, Mesa, Arizona 85210.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the Evidentiary Hearing must be brought to this Court's Clerk in Courtroom 302 **no later than 12:00 p.m. on July 11, 2011 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 302 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

IT IS FURTHER ORDERED that Father shall be allowed to appear telephonically at the aforementioned Temporary Orders Hearing. Father shall contact this Division at **(602) 506-3130** five (5) minutes prior to the scheduled Hearing.

Issues to be heard:

- Child Support
- Past Child Support
- Spousal Maintenance
- Attorney's Fees

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TRIAL

IT IS ORDERED setting this cause for **Trial** to the Court on **October 6, 2011 at 1:30 p.m.** before:

Southeast Judicial District
Courtroom 302
222 East Javelina Avenue
Mesa, Arizona 85210

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Time Allotted: 2 Hours

LET THE RECORD REFLECT that this Court cannot guarantee the quality of the reception and whether a person can hear or be heard during a telephonic appearance if requested and granted. If there is difficulty with the telephonic appearance the above-set Temporary Orders Hearing will NOT be reset. Please be sure that any telephonic appearance **MUST** be from a land line, not a cell phone, and not on speaker phone.

Issues to be heard (final orders):

- Custody
- Parenting Time
- Child Support
- Past Child Support
- Spousal Maintenance
- Attorney's Fees
- Military Pension
- Division of Property

IT IS ORDERED all discovery and disclosure shall be completed by **September 15, 2011**.

A **Joint Pretrial Statement** shall be filed pursuant to Rule 6.8(b), Local Rules of Maricopa County (Domestic Relations Proceedings) no later than **September 29, 2011**. If the parties want to make an opening statement, it may be included in the Pretrial Statement. In addition, each party shall attach to the Pretrial Statement:

1. An updated affidavit of the current financial circumstances pursuant to Rule 6.7, Local Rules of Maricopa County.
2. A current and detailed inventory and appraisal of the property and assets of the parties.
3. A proposal of how the property and assets should be divided and the proposed disposition of each issue before the Court.
4. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet.

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Objections and pretrial motions not filed by **September 8, 2011** will be deemed waived. Postponements will be granted only in accordance with appropriate rules.

Failure of counsel or of any party to present a Pretrial Statement in proper form including each and every attachment required shall, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.2(e).

If this matter is settled and will proceed in the manner of a default, you may contact this division for an expedited hearing date.

Counsel are advised that if the presentation of evidence does not allow for closing arguments, the Court will direct the parties to submit written closing arguments. If time allows for closing arguments, the Court may hear closing arguments at that time.

IT IS ORDERED that no less than five (5) business days prior to Trial, the parties and, if represented, counsel shall provide to the clerk of this division any exhibits they shall seek to admit into evidence. All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 12:00 p.m. on September 29, 2011. All exhibits shall be hand-delivered directly to court staff at this Division's suite. No Trial exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.

IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, un-emancipated child in common, both parties shall have completed an approved Parent Education Program in accordance with A.R.S. § 25-831 et seq. Prior to the trial, and file proof thereof prior to or at the trial. **IF NEITHER PARTY HAS COMPLETED THE PARENT EDUCATION PROGRAM PRIOR TO THE TRIAL, THE COURT MAY VACATE THE TRIAL AND REQUIRE COMPLIANCE PRIOR TO PROCEEDING.** If only one party has completed the Parent Education Program, the Court may permit that party to proceed by default.

IF EITHER PARTY FAILS TO APPEAR FOR TRIAL, THE TRIAL MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

IF BOTH PARTIES FAIL TO APPEAR, THE TRIAL MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

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NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division **five (5) court business days** before the scheduled hearing.

9:33 a.m. Matter concludes.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 48 hours before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.